

# FAX MESSAGE

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#10 / B  
9/13/02  
P/LVQ  
(16)

TO: examiner Steven J. Castellano  
Art Unit 3727  
application no. 09/872,914  
filing date 06/01/2001

NO. OF PAGES (INCLUDING COVER) 17

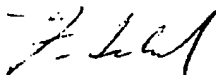
DATE: Sept 12, 2002

FROM: Ferdinand Schermel  
RE: response to second office action date mailed 12/14/2001

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SEP 12 2002  
Group 3700

Enclosed are: 3 marked copies showing proposed changes  
3 clean copies with proposed changes included  
10 pages of response

I hereby certify that the above has been faxed to 1-703-872-9301



Ferdinand Schermel

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GROUP 3700

please fax me a confirmation that this was received by Sept 12/02  
thank you

OA2 Page 1 of 10

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appn. Number 09/872,914  
Appn. Filed 06/01/2001  
Applicant Ferdinand Schermel  
Title Tiltable Modular Recycle Container System  
Examiner Stephen J. Costellano  
Art Unit 3727

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## AMENDMENT B UNDER RULE 116

Sept 11, 2002

TECHNOLOGY CENTER R3700

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed 06/12/2002.

The applicant is requesting entry of this amendment as a response to the second office action. There are no new issues or radical claim changes, that have not already been addressed in the response to the first office action, but the amendment would give clarity to the already presented arguments and petitions of the response. The applicant believes that the prior art is overcome by the arguments presented in the first office action and that the requested amendments will clarify the arguments that define the invention over the existing art without narrowing the scope of the invention and requests the objections of the second office action to be reconsidered. Applicant has a limited ability in understanding patent terminology due to this being the first application. Applicant's slowness in grasping the concepts makes phone conversations difficult without first reading the specific arguments by the examiner towards the specific arguments put forth in this response and the response to the first office action. Applicant requests that the examiner provides written specific arguments, if any objections still remain after this response, in order to determine the future course of action.

Applicant believes that the clarification of terms in the Operation and then applied in claim 3 will obviate the outstanding rejections over Tolbert in terms of structure and function. The applicant has not added or changed the meaning of the words from their original intended meaning, has shown that Webster's broadest interpretation of the words do not change the scope of the invention, and has used the words consistently in both the application as well as the response to the first office action.

Applicant proposes that the following amendment be made to the Operation:

**DEFINITION OF TERMS**

**rigid entity-** is the term given to the new, single, container that is formed by securing at least one (first) attachable container on top of a wheeled container. It is also the term given to the new single container that is formed when a second attachable container is secured on the first attachable container which is already secured to the wheeled container. This also pertains to a third attachable container on top of the second, fourth on top of the third, etc. The word **single** is an adjective to further clarify the description of the new entity formed from the multiplicity of containers as a single container that functions in terms of tilting and rolling as a single container. It commonly precedes the two words "rigid entity".